

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-14, 22-40 and 47-53 are pending in the application, with 1, 47, 48, and 51 being the independent claims. Claims 54-88 and 90-92 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 54-88 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. (Office Action, page 4). Applicants respectfully traverse this rejection.

Claims 54-88 have been canceled without prejudice. Thus, the rejection has been rendered moot and should be withdrawn.

Claims 57-65 and 90-92 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. (Office Action, page 5). Applicants respectfully traverse this rejection.

Claims 57-65 and 90-92 have been canceled without prejudice. Thus, the rejection has been rendered moot and should be withdrawn.

Claims 47, 54-56, 64, 65, 73-75, and 83-88 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. (Office Action, page 6). Applicants respectfully traverse this rejection.

Claims 54-56, 64, 65, 73-75, and 83-88 have been canceled without prejudice, rendering this aspect of the rejection moot.

The Examiner is of the opinion that the compound 4-hydroxy-3-[7-(4-chloro-2-methoxy-phenyl)-2,3,6,7-tetrahydro-[1,4]thiazepin-5-yl]-6-methyl-pyran-2-one is not described in the specification. Applicants respectfully disagree. The compound is described in the specification at page 59, lines 3-4. Thus, there is adequate description of the compound in the specification. Applicants respectfully request that the rejection be withdrawn.

Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph as allegedly failing to comply with the written description requirement. (Office Action, page 6). Applicants respectfully traverse this rejection.

The Examiner alleges that claim 10 "is vague and indefinite in that it is not known what is meant by the 2,3,6,7-tetrahydro-1,4]thiazepin-5-yl which is missing an open bracket." Applicants respectfully disagree. Claim 10 has been amended to insert the missing bracket. Applicants respectfully request that the rejection be withdrawn.

Claim 38 has been rejected under 35 U.S.C. § 112, second paragraph as allegedly failing to comply with the written description requirement. (Office Action, page 6). Applicants respectfully traverse this rejection.

The Examiner alleges that claim 38 is vague and indefinite as there is insufficient antecedent basis for the term "methoxy." Applicants respectfully disagree. Claim 38 as amended properly recites "methyl" rather than methoxy." Support for this amendment is found in claim 37 as originally filed. Applicants respectfully request that the rejection be withdrawn.

Claims 55, 63, 72, 82, and 85 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being vague and indefinite. (Office Action, pages 6-7). Applicants respectfully traverse this rejection. Claims 55, 63, 72, 82, and 85 have been canceled without prejudice. Thus, the rejection has been rendered moot and should be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 47, 54-56, 64, 65, 73-75, and 83-88 have been rejected under 35 U.S.C. § 101 as allegedly lacking patentable utility. (Office Action, page 7). Applicants respectfully traverse this rejection.

Claims 54-56, 64, 65, 73-75, and 83-88 have been canceled without prejudice, rendering this aspect of the rejection moot.

The Examiner is of the opinion that there is no statement of utility for the compound 4-hydroxy-3-[7-(4-chloro-2-methoxy-phenyl)-2,3,6,7-tetrahydro-[1,4]thiazepin-5-yl]-6-methyl-pyran-2-one which is not described in the specification. Applicants respectfully disagree. The compound is described in the specification at page 59, lines 3-4. Thus, there is a statement of utility for the compound in the specification. Applicants respectfully request that the rejection be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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